

**Court Interpreters Advisory Panel**

**Annual Agenda—2015**

**Approved by E&P: April 16, 2015 /Amended Agenda Approved June 15, 2015**

**I. ADVISORY BODY INFORMATION**

<b>Chair:</b>	Hon. Steven K. Austin
<b>Vice Chair:</b>	Ms. Christina Volkers
<b>Staff:</b>	Ms. Sonia Sierra Wolf, Ms. Catharine Price
<p><b>Advisory Body's Charge:</b> Makes recommendations to the Judicial Council on:</p> <ul style="list-style-type: none"><li>○ Interpreter use and need for interpreters in court proceedings; and</li><li>○ Certification, registration, renewal of certification and registration, testing, recruiting, training, continuing education, and professional conduct of interpreters.</li><li>○ Reviews and makes recommendations to the Judicial Council on the findings of the study of language and interpreter use and need for interpreters in court proceedings that are conducted by the Judicial Council staff, as required by statute, every 5 years.</li></ul> <p><i>(Sen. Bill 1304; Stats. 1992, ch.770, Rule 10.51and GC §68561-68565)</i></p>	

**Advisory Body's Membership:** 15 Member Panel – Rule of Court 10.51 provides that the Court Interpreters Advisory Panel will consist of 11 members, a majority of whom must be court interpreters. The panel must include representatives from the following categories:

- One appellate court justice;
- Two trial court judges;
- Two court administrators, including at least one trial court executive officer;
- Four certified or registered court interpreters working as employees in the trial courts, one from each of the four regions established by Government Code section 71807; and
- Two certified or registered court interpreters in a language other than Spanish, working in the trial courts as independent contractors or in an educational institution.

There are also four advisory non-voting positions, each offering a perspective not represented by the voting members. They currently are:

- A representative of the American Sign Language (ASL) community;
- A representative of court users of interpreter services, such as a public defender, legal aid attorney, or other public advocate;
- A representative familiar with the hands-on supervision of day-to-day court interpreter operations; and
- A representative with legal experience within the court (This position has also been held by a representative in the field of interpreter education)

**Subgroups/Working Groups:** *[List the names of each subgroup/working group, including groups made up exclusively of advisory body members and joint groups with other advisory bodies, and provide additional information about the subgroups/working groups in Section IV below. To request approval for the creation of a new subgroup/working group, include “new” before the name of the proposed subgroup/working group and describe its purpose and membership in section IV below.<sup>1</sup>]*

1. **Professional Standards and Ethics** (Established 1999 under name of *Interpreter Standards and Procedures*; suspended activities in 2013; members became part of the Joint Working Group for Language Access)
2. **Language Access Subcommittee** (approved 2013; suspended activities in 2013; members became part of the Joint Working Group for Language Access)

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<sup>1</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

**Advisory Body's Key Objectives for 2015:** (May change due to possible directives/assignments from the Language Access Plan Implementation Task Force)

1. Maintain performance standards of current interpreters by developing a means of fairly and consistently assessing court interpreter knowledge, skills and abilities in the courtroom, per Rule of Court 2.891, and by developing procedures through which the quality and accuracy of an interpreter's skills and adherence to ethical requirements are fairly reviewed and assessed. (Upon completion of this objective, move to the next step, establishing grounds and procedures for revocation of certification or registration and removal of interpreter from the Master List.)
2. Conduct comprehensive evaluation of existing Rules of Court 2.893, and Judicial Council INT forms. Recommend appropriate revisions to the current rules and forms.
3. Complete review and submit proposed changes for Evidence Code 754 to PCLC.
4. **New as of April 16, 2015 (approved by E&P June 15, 2015)** Develop and recommend a policy on the de-designation of previously designated languages whose use in the courts has declined, and consider the de-designation of Japanese and Portuguese as recommended in the *2015 Language Need and Interpreter Use Study*.

In addition, the following projects have been identified by other advisory committees naming CIAP as resources. CIAP will provide consultation as required on the following.

5. Consult with the Court Technology Advisory Committee on Video Remote Technology.
6. Consult with Civil and Small Claims Committee on Request for Interpreter in Civil Action Forms.

*Objectives 1-2 are anticipated to take two years to complete; as they may require revising existing rules of court and Judicial Council forms.*

## II. ADVISORY BODY PROJECTS

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	<p>A) Research, develop and recommend method and means by which a biennial periodic review on court interpreter skills can be fairly and consistently assessed throughout the courts. (Rule of Court 2.891) May include but is not limited to:</p> <ul style="list-style-type: none"> <li>Research professional associations, licensing entities, and other organizations that utilize interpreters to identify methods for assessing performance.</li> <li>Work with the Court Executives Advisory Committee (CEAC) on the assessment of research findings and develop appropriate review processes, procedures and</li> </ul>	1	<p><b><u>Judicial Council Direction:</u></b>  <u>GC §68562 (d)</u> The Judicial Council shall adopt standards and requirements for interpreter proficiency, continuing education, certification renewal, and discipline. The Judicial Council shall adopt standards of professional conduct for court interpreters</p> <p><u>GC§68564 (f)</u> A procedure for Judicial Council and local court review of each court interpreter's skills and for reporting to the certification entity the results of the review</p> <p><u>Judicial Branch Strategic Plan Goal IV</u> – Quality of Justice and Service to the Public</p> <p><u>Operational Objective 1.</u> Foster excellence in public service to ensure that all court users receive satisfactory</p>	Ongoing, completion of Project 1A: anticipated late 2016.	<p>Recommended processes, procedures and tools for courts to implement Rule of Court 2.891 consistently and fairly.</p> <p><u><i>Note: This project will be fully informed by:</i></u>  <u><i>GC§71811 Trial Court Interpreter Employment and Labor Relations Act, and regional Memoranda of Understanding.</i></u></p>

<sup>2</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>3</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

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	<p>tools.</p> <p><b><u>Subgroup: Professional Standards and Ethics</u></b></p> <p>Upon completion of the above project, (late 2016) which the courts have communicated and identified as a priority, CIAP will undertake the next step as follows:</p> <p>B) Determine criteria and clear standards that establish grounds for permanent revocation of an interpreters' certified or registered status, warranting removal from the Master List; including a comprehensive review and appeal procedure.</p> <p><b><u>Rationale:</u></b></p> <p>There has been a standing need for the Judicial Council to adopt policies and criteria for permanent revocation of certified or registered status and removal of the interpreter from the Master List. Currently, interpreters are removed from</p>		<p>services and outcomes.</p> <p><b><u>Origin of Project:</u></b>  <u>Language Access Plan (LAP)</u><sup>4</sup> recommendation 64: <i>Develop a procedure by which the quality and accuracy of an interpreter's skills and adherence to ethical requirements can be reviewed including a determination of whether California Rule of Court 2.891 should be amended, repealed, or remain in place.</i></p> <p><u>Rule of Court 2.891 Periodic Review of Court Interpreter Skills and Professional Conduct</u> calls for biennial review of court interpreters by courts. Courts have identified the need for recommendations to carry out rule 2.891 as a critical priority.</p> <p><b><u>Resources:</u></b> CEAC, LERU/Legal Services, Court Human Resources, Language Access Plan Implementation Taskforce, and other stakeholders as needed for consultative purposes.</p> <p><b><u>Key Objective Supported:</u></b> Maintain</p>	<p>Projected to commence early 2017 with a projected completion of December 2018</p>	

<sup>4</sup> LAP refers to the *Strategic Plan for Language Access in the California Courts*

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	the Master List, but may re-qualify, only if they fail to complete annual compliance requirements.		performance standards of current interpreters by developing a means of fairly and consistently assessing court interpreter knowledge, skills and abilities in the courtroom, per Rule of Court 2.891, and by developing procedures through which the quality and accuracy of an interpreter's skills and adherence to ethical requirements are fairly reviewed and assessed.		
2	<p>Undertake a comprehensive evaluation of existing Rule of Court (2.893) and Judicial Council INT forms and instructions, and recommend any appropriate revisions.</p> <p>Investigate whether Rule of Court 2.893 should be amended, consider the possible scope of amendments, and make recommendations accordingly. (As per Recommendation 70 in the LAP.)</p> <p><b><u>Subgroup: Language Access</u></b></p>	1(b)	<p><b><u>Judicial Council Direction:</u></b> GC §68561 requires the use of certified and registered interpreters and outlines the process for provisional qualification of a non-certified /non-registered. Effective January 1, 2015, legislative changes expanded the information required on the record. (Relates to LAP Recommendation 19)</p> <p><u>Rule of Court 2.893</u> Appointment of noncertified interpreters in criminal cases and juvenile delinquency proceedings.</p> <p><u>Judicial Branch Strategic Plan Goal I</u> Access, Fairness, and Diversity</p> <p><u>Operational Objective 5</u> Increase</p>	January 2017	Provide recommendations on ways Rule of Court 2.893 and Judicial Council INT Forms and Instructions should be amended.

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			<p>qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; increase the availability of language-assistance services to all court users.</p> <p><b><u>Origin of Project:</u></b>  AB 2370 (Stats. 2014, ch. 424; effective January 1, 2015) expanded upon the previous GC 68561 by requiring that certain statements be made on the record whenever an interpreter interprets in a court proceeding, including statements that confirm that the court is following the procedures for provisional qualification.</p> <p><b><u>LAP Recommendation 9:</u></b> Proposed amendments to this rule and the INT forms.</p> <p><b><u>Resources:</u></b> TCPJAC, CEAC, Chairs of the Bargaining Regions, Court Subject Matter Experts, Legal Services, Human Resources Labor Relations Unit, Language Access Plan Implementation Task Force.</p>		

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<b><u>Key Objective Supported:</u></b> Conduct comprehensive evaluation of existing Rule of Court 2.893, and Judicial Council INT forms. Recommend appropriate revisions to the current rules and forms.		
3	<p>Develop Policy recommendation(s) to update Evidence Code 754. Update to include parallel provisional qualification language in addition to terminology updates and clarifications in the Code. Consider additional changes, formally respond to commentators and determine the need to go out for additional public comment.</p> <p><b><u>Subgroup: Language Access</u></b></p>	1(f)	<p><b><u>Strategic Plan Goal I</u></b> Access, Fairness and Diversity</p> <p><b><u>Operational Plan Objective 2</u></b> Identify and Eliminate barriers to court access at all levels of service; insure interactions with the court are understandable, convenient and perceived as fair.</p> <p><b><u>Origin of Project:</u></b> Continuation of work that commenced with the 2012 Annual Agenda arising from selected courts that expressed concern to leadership about ASL interpreter shortages and the need for provisional qualification.</p> <p>[Rules and Forms Proposals Priority Level:]1(f)</p>	<p>Proposed language has been developed and was posted for public comment. Extensive work with stakeholders ensued following review of public comment.</p> <p>Submit to Governmental Affairs in Fall 2015 for PCLC consideration.</p>	Have a proposed amended version of Evidence Code 754, and affected INT forms and Rules, ready for submission to Judicial Council to consider for legislative sponsorship.



#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
4	<p><b>New:</b> Develop and recommend a policy on the de-designation of previously designated languages whose use in the courts has declined and consider the de-designation of Japanese and Portuguese.</p> <p>CIAP to review the recommendation made in the 2015 Language Need and Interpreter Use Study to consider de-certification of Japanese and Portuguese.</p> <p><b><u>Sub-group:</u></b> Ad-Hoc group to be assigned</p>	2	<p><b><u>Judicial Council Direction:</u></b> Strategic Plan Goal: Goal I – Access , Fairness &amp; Diversity</p> <p>Operational Plan Objective: Objective 2. Identify and eliminate barrier to court access at all levels of service; ensure interactions with the court are understandable, convenient and perceived as fair</p> <p>Origin of Project: A result of the 2015 Language Need and Interpreter Use Study.</p>	October 2015	Recommend to the Judicial Council a comprehensive policy on criteria for determination of de-designation of languages.
5	<p><b><u>Consultative Only:</u></b> Consult with Court Technology Advisory Committee (name changing to ITAC in July) and Judicial Council Technology Committee in the execution of a Video Remote Interpreting pilot project for spoken languages.</p> <p>CIAP cannot serve as the lead, and cannot commit to committee or staff resources on an ongoing basis.</p>	1	<p><b><u>Judicial Council Direction:</u></b> Component of the Chief Justice’s “Access 3D” initiative that highlights physical, remote, and equal access to the justice system.</p> <p>The Information Technology Committee identified this project on their current Annual Agenda as follows: Tactical Plan for Technology: Courthouse Video Connectivity, p.22 (Tactical Plan; carryover from</p>	December 2016 (per CTAC)	<p>Provide consultation services.</p> <p>Outcomes as stated in CTAC’s Annual Agenda are:</p> <p>Technical Standards Implementation of VRI Pilot Program Rule Proposal</p>

#	Project <sup>2</sup>	Priority <sup>3</sup>	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Annual Agenda 2014; notice from JC Legal Services regarding the pilot program; member recommendation)</p> <p><b><u>Origin of Project:</u></b>  LAP recommendation 16: <i>The Judicial Council should conduct a pilot project, in alignment with the Judicial Branch's Tactical Plan for Technology 2014-2016. This pilot should, to the extent possible, collect relevant data on: due process issues, participant satisfaction, whether remote interpreting increases the use of certified and registered interpreters as opposed to provisionally qualified interpreters, the effectiveness of a variety of available technologies (for both consecutive and simultaneous interpretation), and a cost-benefit analysis.</i></p>		
6	<p><b><u>Consultative Only:</u></b>  Consult with the Civil and Small Claims Advisory Committee on the new form for requesting an interpreter.  This would be consultative only and CIAP would not be the lead and cannot commit committee or staff resources on an ongoing basis.</p>	2	<p><b><u>Origin of Project:</u></b> The Judicial Council directed the Civil and Small Claims Advisory Committee to create a new form for parties to use to request court interpreters in civil matters; <i>Request for Court Interpreter, Civil Actions</i>, the form will be consistent with the requirements of AB 1657. Initial Public comments were received (January 23, 2015)</p>	December 2015	Finalized form for request for interpreter services for civil matters.

### III. STATUS OF 2014 PROJECTS:

#	Project	Completion Date/Status
1	Continue to develop and complete the Comprehensive California Language Access Plan	Complete – Final plan was adopted by Judicial Council on January 22, 2015
2	Review and address public comment to proposed changes for Evidence Code 754.	Further review required; identified as Project # 4 on the 2014 Annual Agenda, and Project number #3 on this Annual Agenda.
3	Conduct Legislatively Mandated 2015 Interpreter Need and Language Use Study(GC §68563)	Complete by June 2015— The 2015 Language Need and Use Study will be finalized and reviewed by CIAP on April 16, 2015, and is scheduled for review and approval by the Judicial Council (June 2015) prior to submission to the Governor and Legislature.

#### IV. Subgroups/Working Groups – Detail (To be completed once determine subgroup structure and assignments)

##### **Subgroups/Working Groups:**

###### ***Subgroup or working group name: Professional Standards and Ethics***

*Purpose of subgroup or working group:* Phase 1: Maintain performance standards of current interpreters by developing a means of fairly and consistently assessing court interpreter knowledge, skills and abilities in the courtroom, per Rule of Court 2.891, and by developing procedures through which the quality and accuracy of an interpreter's skills and adherence to ethical requirements are fairly reviewed and assessed. Upon completion, subgroup will undertake phase 2, establishing grounds and procedures for revocation of certification or registration and removal of interpreter from the Master List.

*Number of advisory body members on the subgroup or working group:* 9 members (includes 1 advisory member, and one new member not on CIAP)

*Effective 6/15/2015- E&P approved the addition of one non-CIAP group member*

*Number and description of additional members (not on this advisory body):* NA

*Date formed:* 1999

*Number of meetings or how often the subgroup or working group meets:* 4-6x per year (once in person with entire CIAP Body)

*Ongoing or date work is expected to be completed:* Phase 1, Late 2016 or early 2017

###### ***Subgroup or working group name: Language Access***

*Purpose of subgroup or working group:* Conduct comprehensive evaluation of existing Rules of Court 2.893, and Judicial Council INT forms. Recommend appropriate revisions to the current rules and forms. Complete review and submit proposed changes for Evidence Code 754 to PCLC in Fall of 2015.

*Number of advisory body members on the subgroup or working group:* 7 member (includes 3 advisory members)

*Number and description of additional members (not on this advisory body):* NA

*Date formed:* 2013

*Number of meetings or how often the subgroup or working group meets:* 4-6x per year (once in person with entire CIAP Body)

*Ongoing or date work is expected to be completed:* EC754 work December 2015; balance January 2017

**Note:** The following projects have been identified by other advisory committees naming CIAP as resources. CIAP will provide consultation as required on the following; CIAP cannot commit committee or staff resources on an ongoing basis.

- Consult with the Court Technology Advisory Committee on Video Remote Technology.
- Consult with Civil and Small Claims Committee on Request for Interpreter in Civil Action Forms.

***As formed by the Chief on January 22, 2015: Language Access Plan Implementation Task Force***

*Members of the Court Interpreters Advisory Panel appointed to the Implementation Task Force on March 4, 2015, chaired by Associate Supreme Court Justice Mariano Fiorentino-Cuéllar*

Hon. Steven K. Austin, Chair, Court Interpreters Advisory Panel

Hon. Miguel Márquez

Hon. Manuel Covarrubias (appointed vice-chair of the Implementation Task Force)

Ms. Ivette Peña (CIAP Advisory Member)

(In addition to judicial branch appointees, nominations are currently being solicited for interpreters and community stakeholders.)